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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96599

Katsuhiro KAWAKAMI, et al.

Appln. No.: 10/589,563



Group Art Unit: 1614

Confirmation No.: 9484

Examiner: Not yet assigned

Filed: August 16, 2006

For: HETEROCYCLIC COMPOUNDS HAVING ANTIFUNGAL ACTIVITY

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for the foreign language documents cited in the ISR, Applicants enclose the corresponding International Search Report for PCT/JP2005/002337, dated April 26, 2005, indicating the degree of relevance found by the foreign patent office. Further, English language abstracts, submitted herewith, constitute concise statements of relevance for Patent Application Publication Nos. WO-A1-02/088107, WO-A1-03/022850, WO-A2-2004/001058, WO-A1-03/064422, EP-A1-1479681, and EP-A1-1382603.

Also, Applicants note that Journal of Antibiotics, vol. 36, p. 1539 (1983), Journal of Medicinal Chemistry, vol. 38, p. 3271 (1995), Journal of Antibiotics, vol. 45, p. 1875 (1992), Journal of Biochemistry, vol. 105, p. 606 (1989) and Journal of Medicinal Chemistry, vol. 18, p. 1253 (1975), are cited and discussed on pages 3 and 4 in the specification of above-identified application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/markboland/

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CUSTOMER NUMBER

Date: August 16, 2007

Mark Boland
Registration No. 32,197



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PTO/SB/08a (05-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10589563
Filing Date	2006-08-16
First Named Inventor	Katsuhiro KAWAKAMI, et al.
Art Unit	
Examiner Name	
Attorney Docket Number	Q96599

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20030229065	A1	2003-12-11	Stuart B. Levy, et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	2002088107	WO	A1	2002-11-07	EISAI CO., LTD		<input type="checkbox"/>
	2	2003064422	WO	A1	2003-08-07	DAIICHI PHARMACEUTICAL CO., LTD		<input type="checkbox"/>
	3	03022850	WO	A1	2003-03-20	SUMITOMO CHEMICAL CO., LTD		<input type="checkbox"/>

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	4	1479681	EP	A1	2001-11-24	DAIICHI PHARMACEUTICAL CO., LTD		<input type="checkbox"/>
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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	MOKHTAR, A. Hanna et al., SYNTHESIS AND BIOLOGICAL EVALUATION OF SOME NEW SULFUR-CONTAINING HETEROCYCLES AS POSSIBLE ANTIFUNGAL AGENTS, J. Chem.Tech.Biotechnol., Vol. 60, No. 3, pages 257 to 262, 1994	<input type="checkbox"/>
	2	RÖMMELE, Günter et al., PAPULACANDINS- THE RELATIONSHIP BETWEEN CHEMICAL STRUCTURE AND EFFECT ON GLUCAN SYNTHESIS IN YEAST, Journal of Antibiotics, Vol. 36, No. 11, pages 1539 to 1542, 1983	<input type="checkbox"/>
	3	TAKESHIMA, Hideo et al., A DEACYLATION ENZYME FOR ACULEACIN A, A NEUTRAL LIPOPEPTIDE ANTIBIOTIC, FROM ACTINOPLANES UTAHENSIS: PURIFICATION AND CHARACTERIZATION, Journal of Biochemistry, Vol. 105, pages 606 to 610, 1989	<input type="checkbox"/>
	4	HENSENS, Otto D. et al., PNEUMOCANDINS FROM Zalerion Arboricola, Journal of Antibiotics, Vol. 45, no. 12, pages 1874-1885, 1992	<input type="checkbox"/>
	5	REVANKAR, Ganapathi R. et al., SYNTHESIS AND ANTIMICROBIAL ACTIVITY OF CERTAIN IMIDAZO [1,2-a] PYRIMIDINES, Journal of Medicinal Chemistry, Vol. 18, no. 12, pages 1253 to 1255, 1975	<input type="checkbox"/>
	6	DEBONO, Manuel et al., SEMISYNTHETIC CHEMICAL MODIFICATION OF THE ANTIFUNGAL LIPOPEPTIDE ECHINOCANDIN B (ECB): STRUCTURE-ACTIVITY STUDIES OF THE LIPOPHILIC AND GEOMETRIC PARAMETERS OF POLYARYLATED ACYL ANALOGS OF ECB, Journal of Medicinal Chemistry, Vol. 38, pages 3271 to 3281, 1995	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/markboland/	Date (YYYY-MM-DD)	2007-08-16
Name/Print	Mark Boland	Registration Number	32197

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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